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**Board Members Present-Representing**

Brad Wilkening, Chair, Becker Township  
Brian Kolbinger, Vice-Chair/Chair Becker Township  
Tracy Bertram, City of Becker Mayor (Remote)  
Mark Rask, Becker Township

Rick Hendrickson, City of Becker (Remote)

**Absent: none**

**Staff Members Present**

Kelli Bourgeois – Township Attorney (remote)  
Ben Wikstrom – Township Planning Consultant  
Jacob Sanders – Planner,  
City of Becker (Remote)  
Lucinda Messman – Township Clerk

Also Present: Nathan Pramann

On March 13, 2020, Minnesota Governor Tim Walz issued Executive Order 20-01, “Declaring a Peacetime Emergency and Coordinating Minnesota’s Strategy to Protect Minnesotans from COVID-19,” declaring a peacetime emergency under Minn. Stat. § 12.31, subd. 2. Also, the Center for Disease Control has labeled COVID-19 as a pandemic illness since COVID-19 poses a risk to the health, welfare. Anyone wishing to attend was asked to notify the clerk so space accommodations could be verified/determined. Remote attendance has been and will continue to be made available during this time via Zoom platform.

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Joint Planning Board special meeting called to order by Chair Wilkening at 7:00 p.m. Quorum Verified.

**Motion to approve agenda by Kolbinger. Second by Rask. Motion carried Bertram – Aye, Kolbinger – Aye, Hendrickson – Aye, Rask – Aye, Wilkening – Aye.**

**New Business**

**Nathan Pramann Preliminary and Final Plat Application**

- Planning Commission held a public hearing on November 9<sup>th</sup> for this application
- Unanimous recommendation for approval with conditions listed in draft resolution
- Only discussion – access to Lot 1. County owns triangular piece that was right of way at one time. Now it is just a parcel. With the Right of way dedication, there is room to access off of County Road 4. Preliminary plat shows a possible access off CSAH 51. However, if this is the one used, it is in violation of our zoning ordinance. (See driveway definition)
  - This plat has plenty of width, road frontage, etc.. However, as the County is the road jurisdiction for this area, concern is for approval if they are not granted an access off County Road 4.
  - There is a concern regarding wording. We do not know where the County will grant access, only that they have told applicant they will.
  - Is the plat the right place to put a condition that a driveway is required on the north?
  - Concerns
    - if comes in for building permit using that easement shown on preliminary plat on the west through a parcel rather than a driveway since our ordinance requires driveways to be wholly located on parcels? That triangular chunk
    - Different than those on Hwy 23 – since those abut platted right of way. This does not.
    - Concern here is for conforming access
    - County would prefer 51 (belief) as no answer for access has been provided at this point. Legally conforming access is important and a concern from permitting.

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- Attorney Bourgeois: The lot is a legally conforming lot because they have ability to have driveway in a conforming area. Where they choose to put driveway shouldn't be in the plat as the plat does meet requirements. Access permit is required from Sherburne County, not Becker Township. The applicant has adequate road frontage along two sides. The only ability to access is not through an easement in this case. It depends on what they will be allowed by Sherburne County. Language submitted by City of Becker Planners is fine and will work in the preliminary plat acceptance. We do not have language for legally conforming parcels that have adequate frontage, is it illegal to access by easement? Biggest thing to remember here – this is a legally conforming lot with accessibility available on the north. Becker Township is not creating a non-conformity.
  - Staff concern – if they place an entrance on the western side, the lot becomes non-conforming. If they have an easement across another parcel, is that illegal? It is in other instances.
  - Board discussion
    - Q: Driveway on lower left creates non-conforming lot? A: Yes. The Ebensteiner example – plat showed the property as right of way that is in front of his lot.. The triangular parcel (05-122-1102) is not shown as right of way – shown as a regular parcel. That is the difference here.
    - Attorney: biggest difference is that the other lots discussed did not have another roadway they could use to access their parcels. Legal opinion – this is allowed because this is a plat that meets all requirements of code. There is legal road access. That option/ability must be present. That is true in this specific case. This is a legal, conforming lot being created.
    - Q: does driveway have to access County Road 4 in order to get a building permit? If person comes in with a building permit for this parcel, does the access not coming off county road 4 mean no building permit allowed? Later, if they choose to not put the driveway off county road 4 then will they be allowed to
    - **Condition #2** suggested to read: “Legal and conforming access to Lot 1 must be provided. Said access must be approved by Sherburne County.”
    - Other parcels in the past never had any access to any roadway at all. That is a big difference here.
    - More discussion on options – the applicant has checked with the county regarding obtaining the triangular portion. County discussed a few months back, Wikstrom had asked about a land swap. County stated good idea and that is all we heard.
    - Applicant: County had originally thought obtaining a piece for the access to County 51. Applicant had tried to get it back, but now they want to sell the small piece for approximately \$10,000. Much higher than original plan had been.
    - This lot will be sold to someone else. Is there anything we should? Word to make sure conforming access is acquired or do we need to?
    - Attorney Bourgeois: Lot is legal and conforming, adding condition 2 makes sense. Conditions are not required from a plat perspective. Condition regarding access has been placed into other CUP's and such when the County has access control to the roadways involved.
    - Q: isn't this a conforming lot? If so, why are we worrying any further? Isn't our job to be sure this is legal, conforming? A: with the recent applications fresh on our minds, but

that is correct. Applicant is providing all that is required. Biggest difference, the county has jurisdiction for road access at this point, not the township.

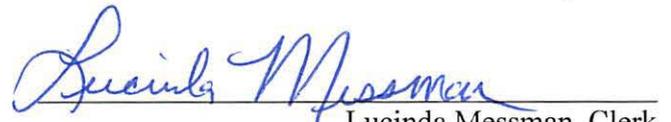
- Likely no questions at all if the engineer had not put proposed access easement. This piece is outside the platted area. If this parcel didn't abut the county road on the north, this discussion would not be happening. No question that this is a legal, non-conforming lot because it abuts county road 4.

**Motion to approve RESOLUTION 2020-22: A RESOLUTION APPROVING A PRELIMINARY PLAT OF THE PROPERTY LOCATED AT 9937 173RD AVENUE SOUTHEAST after updating condition 2 to read as above by Hendrickson. Second by Rask. Motion carried. Wilkening Aye, Bertram – Aye, Kolbinger – Aye, Hendrickson – Aye, Rask - Aye.**

**Motion to approve RESOLUTION 2020-23: A RESOLUTION APPROVING A FINAL PLAT OF THE PROPERTY LOCATED AT 9937 173RD AVENUE SOUTHEAST by Hendrickson. Second by Kolbinger. Motion carried. Wilkening Aye, Bertram – Aye, Kolbinger – Aye, Hendrickson – Aye, Rask - Aye**

Meeting adjourned at 7:37 p.m.

  
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Brad Wilkening, Chair

  
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Lucinda Messman, Clerk